



April 1, 2003

ENGROSSED

HOUSE BILL No. 1552

DIGEST OF HB 1552 (Updated March 27, 2003 1:52 PM - DI 44)

Citations Affected: IC 6-1.1; IC 14-8; IC 14-10; IC 14-16; IC 14-19; IC 14-22; IC 14-24; IC 14-26; IC 14-27; IC 14-31; IC 14-37; IC 25-36.5; noncode.

Synopsis: Natural resources issues. Makes changes to the classified forest and forest plantation programs. Increases and establishes several fees. Deposits certain fees into new or existing funds. Extends certain reclamation fees. Requires the department of natural resources (DNR) to issue registration decals for off-road vehicles. Increases the injury or damage level required for an off-road vehicle operator to file an accident report. Consolidates statutes governing the registration of off-road vehicles and snowmobiles. Prohibits gathering plants or artifacts on private land without the owner's consent. Defines "farmland" for certain hunting license requirements. Establishes procedures to suspend a person's driver's license for failure to appear in response to a summons issued by a conservation officer. Allows DNR to regulate the safety and maintenance of certain dams and structures. Removes references to private geologists in the dam inspection laws. Provides that dams have an engineering inspection. Establishes requirements to transfer an oil or gas well permit. Makes technical corrections. Repeals certain provisions concerning classified land programs and state parks and reservoir funds. (The introduced version of this bill was prepared by the natural resources study committee.)

Effective: Upon passage; June 30, 2003; July 1, 2003.

Bischoff, Mangus, Ulmer, Pond

(SENATE SPONSORS — WEATHERWAX, YOUNG R)

January 16, 2003, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

January 28, 2003, amended, reported — Do Pass. Referred to Committee on Ways and Means.

February 19, 2003, amended, reported — Do Pass.

February 24, 2003, read second time, amended, ordered engrossed.

February 25, 2003, engrossed. Read third time, passed. Yeas 84, nays 13.

SENATE ACTION

March 4, 2003, read first time and referred to Committee on Natural Resources.

March 18, 2003, amended, reported favorably — Do Pass; reassigned to Committee on Finance.

March 31, 2003, amended, reported favorably — Do Pass.

EH 1552—LS 7412/DI 77+



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April 1, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1552

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-1.1-6-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. Land may be
3 classified as a forest plantation if it is cleared land which has growing
4 on it a good stand of timber producing trees as that concept is
5 understood by ~~competent foresters~~. **a district forester or a**
6 **professional forester.**
- 7 SECTION 2. IC 6-1.1-6-3 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. Land may be
9 classified as native forest land if it ~~has never been plowed or cultivated~~
10 ~~and~~ contains at least forty (40) square feet of basal area per acre or at
11 least ~~one thousand (1,000)~~ **four hundred (400)** timber producing trees,
12 of any size, per acre.
- 13 SECTION 3. IC 6-1.1-6-3.5 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2003]: **Sec. 3.5. (a) Open areas may exist within the confines of**
16 **a parcel of land identified as a native forest or a forest plantation**
17 **if the open areas do not exceed the lesser of five (5) acres or ten**

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percent (10%) of the total area to be classified under this chapter and if the open areas contain any of the following:

(1) Nonforest areas containing a good stand of vegetation capable of supporting wildlife that is conducive to wildlife management. A good stand of vegetation must include a diverse stand of vegetation other than monotypic stands or tall fescue (*Festuca arundinacea*). However, the state forester may allow tall fescue to be used for erosion control.

(2) Nonforest wetland areas.

(3) A body of water that:

(A) is less than two (2) acres in size; or

(B) has an average depth less than four (4) feet.

A parcel may contain more than one (1) isolated body of water.

(b) A parcel may not be converted from native forest land or a forest plantation to a non-forest area without a special permit issued under section 17 of this chapter.

SECTION 4. IC 6-1.1-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. For purposes of this chapter, the following types of trees are not considered timber producing trees: dogwoods (*Cornus*); water-beech (*Carpinus*); ironwood (*Ostrya*); red bud (*Cercis*); ~~sassafras~~; ~~persimmon~~; pawpaw; black haw; ~~willows~~ (*Salix*); pomaceous trees; and Christmas trees which are grown for commercial purposes; **and other trees listed by the state forester.**

SECTION 5. IC 6-1.1-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. A parcel of land may not be classified as native forest land or a forest plantation unless it contains at least ten (10) **contiguous** acres. ~~but~~ The parcel may be of any shape ~~whatsoever~~ **This section does not apply to land classified before July 26, 1967, but must be at least fifty (50) feet in width.**

SECTION 6. IC 6-1.1-6-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.5. (a) A landowner may file an application with the state forester under section 11 of this chapter to have classified as native forest land or a forest plantation a parcel of land that:

(1) consists of at least one (1) acre;

(2) meets the requirements of section 3 of this chapter; and

(3) is contiguous to a parcel of land owned by the landowner that is already classified as native forest land or a forest plantation.

(b) A parcel of land described in subsection (a) must be:



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- (1) surveyed and platted under section 9 of this chapter;
and
(2) assessed under section 10 of this chapter.

SECTION 7. IC 6-1.1-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. A parcel of land may not be classified as native forest land or as a forest plantation if a dwelling or other building is situated on the parcel. ~~However, this section does not apply if the building is utilized by the landowner for the purpose of maintaining a sugar camp or operating a sawmill.~~

SECTION 8. IC 6-1.1-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. A parcel of land may not be classified as native forest land or as a forest plantation if it is grazed by a domestic animal. ~~However, this section does not apply to domestic fowl if they do not have a detrimental effect on timber production.~~ **animals or confined nondomesticated animals.**

SECTION 9. IC 6-1.1-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) A person who wishes to have a parcel of land classified as native forest land or as a forest plantation must have it ~~surveyed~~ **the parcel described** by a registered land surveyor. ~~The surveyor shall make the survey~~ **parcel must be described** by metes and bounds **or other professionally accepted practices** and ~~he shall~~ **must** locate the parcel with reference to ~~some~~ **an** established corner. In addition, the ~~surveyor shall~~ **description must** identify the parcel by section, township, range, and county references. The surveyor shall prepare plats of the parcel in ink, and he shall prepare the plats on the scale, and in the number, prescribed by the department of natural resources.

(b) The registered land surveyor may use an aerial photograph in order to ~~obtain~~ **prepare** a description of the parcel. However, the surveyor's description must be accurate and it must meet the requirements specified in subsection (a) of this section. If an aerial photograph is used, that fact shall be noted on the application referred to in section 11 of this chapter.

SECTION 10. IC 6-1.1-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) ~~A person who wishes to have a parcel of land classified as native forest land or as a forest plantation must have the land assessed by the county assessor of the county in which the land is located.~~

~~(b)~~ (a) The county assessor shall assess the land at its fair market value, including any mineral, stone, oil, or gas value it may have; but, the county assessor shall not consider the standing timber on the land in making the assessment. In addition to assessing the specific parcel



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of land, the county assessor shall also assess, at its fair market value, all of the remaining land (exclusive of improvements) which is situated in the section in which the land proposed for classification lies and which is not within a city or town. In making these assessments, the county assessor shall value each quarter section separately and shall designate the assessment for each quarter section.

~~(c)~~ **(b)** If the assessment made by the county assessor is not satisfactory to the owner, ~~he~~ **the owner** may appeal the assessment to a board consisting of the assessor, auditor, and treasurer of the county in which the land proposed for classification is located. The decision of the board is final.

SECTION 11. IC 6-1.1-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. ~~(a)~~ A person who wishes to have a parcel of land classified as native forest land or as a forest plantation must file an application in duplicate with the state forester on the forms prescribed by the state forester. The application must include the following items:

~~(1)~~ The plats referred to in section 9 of this chapter.

~~(2)~~ The assessment required under section ~~10~~ of this chapter entered in ink by the county assessor.

~~(3)~~ The signature of the owner, the registered land surveyor, **the state forester**, and the county assessor.

(b) If an error or omission affecting the eligibility of the application is discovered by the state forester or county assessor, the state forester or county assessor shall promptly notify the applicant of the deficiency and allow the applicant to amend the application.

SECTION 12. IC 6-1.1-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. If in ~~his~~ **the state forester's** opinion an application filed under section 11 of this chapter and the land to be classified comply with the provisions of this chapter, the state forester shall approve the application. In addition, ~~he~~ **the state forester** shall notify the auditor ~~and the recorder~~ of the county in which the land is located that the application has been approved and ~~he shall~~ return one (1) approved application form to the applicant.

SECTION 13. IC 6-1.1-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. Land which is classified under this chapter as native forest land or as a forest plantation shall be assessed at one dollar ~~(\$1.00)~~ **(\$1)** per acre for general property taxation purposes.

SECTION 14. IC 6-1.1-6-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) The natural resources commission shall, by rule, establish minimum standards of

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1 good timber **and wildlife** management.

2 (b) The department of natural resources shall prescribe a ~~timber~~
3 management plan for each classified forest **parcel**.

4 (c) The management plan must be followed for the owner to be in
5 compliance with this chapter.

6 SECTION 15. IC 6-1.1-6-17 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. ~~(a) The state~~
8 ~~forester may issue special permits for the establishment of small lake~~
9 ~~areas, wildlife food plots, or similar uses that have the primary purpose~~
10 ~~of wildlife production or fire protection.~~ The state forester may also
11 issue special permits for other purposes if the land use authorized by
12 the permit is not inconsistent with this chapter. The maximum amount
13 of land to be utilized in the manner authorized by a special permit may
14 not exceed ~~one (1) acre~~: **the lesser of the following:**

15 **(1) Ten percent (10%) of the total acreage.**

16 **(2) Five (5) acres.**

17 ~~(b) The landowner shall record a special permit in the office of the~~
18 ~~recorder of the county in which the land is situated.~~

19 SECTION 16. IC 6-1.1-6-18 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. The owner of a
21 parcel of land which is classified as native forest land or as a forest
22 plantation shall ~~mark post four (4) signs on~~ the parcel. ~~with four (4)~~
23 ~~signs.~~ The owner shall place the signs on the boundaries of, and on
24 different sides of, the parcel at the points which are the most
25 conspicuous to the public **or at the property corners**. The department
26 of natural resources shall furnish the signs and shall designate the size
27 and the wording of the signs.

28 SECTION 17. IC 6-1.1-6-19 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. At least once every
30 five (5) years the state forester, or his deputy, shall inspect each parcel
31 of land which is classified as native forest land, or as a forest
32 plantation. On each inspection trip the **state** forester, or his deputy,
33 shall, if possible, have the owner go over the parcel with him and shall
34 point out to the owner any needed improvement. In addition, he shall
35 give the owner a written report of the inspection and his
36 recommendations. A permanent record of each inspection shall be
37 maintained in the office of the state forester.

38 SECTION 18. IC 6-1.1-6-20 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. If the owner of land
40 which is classified as native forest land or as a forest plantation wishes
41 to have the land withdrawn from the classification, he shall have the
42 county assessor of the county in which the land is situated assess the

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land. The county assessor shall ~~make the assessment in the manner prescribed in section 10(b) of this chapter.~~ **determine the taxes that are required under section 24 of this chapter.** The owner shall then file a withdrawal request in duplicate with the state forester on forms prescribed by the state forester. The state forester shall withdraw the land from the classification on receipt of the withdrawal forms.

SECTION 19. IC 6-1.1-6-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. The state forester shall withdraw land which is classified as native forest land or as a forest plantation from the classification if he finds that the provisions of this chapter are not being complied with and that the owner of the land refuses to make the changes necessary for compliance. If the state forester withdraws land under this section, he shall have the county assessor of the county in which the land is situated assess the land. The county assessor shall ~~make the assessment in the manner prescribed in section 10(b) of this chapter.~~ **determine the taxes that are required under section 24 of this chapter.** In addition, the state forester shall immediately notify the owner that the land has been withdrawn.

SECTION 20. IC 6-1.1-6-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. If an assessment made by a county assessor under section 20 or section 21 of this chapter is not satisfactory to the owner, he may appeal the assessment in the manner prescribed in section ~~10(c)~~ **10(b)** of this chapter.

SECTION 21. IC 6-1.1-6-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. If land classified as native forest land or as a forest plantation is withdrawn from the classification, the state forester shall immediately notify the ~~recorder and the~~ auditor of the county in which the land is situated that the land has been withdrawn. In addition, when land is withdrawn, the owner of the land shall make a notation of the withdrawal in the records of the county recorder.

SECTION 22. IC 6-1.1-6-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24. (a) If land that is classified as native forest land or as a forest plantation is withdrawn from the classification, the owner shall pay an amount equal to the sum of:

- (1) the total property taxes that, if it were not for the classification, would have been assessed on the land during the period of classification or the ten (10) year period immediately preceding the date on which the land is withdrawn from the classification, whichever is lesser; plus
- (2) interest on the property taxes at the rate of ten percent (10%)



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1 **simple interest** per year.

2 (b) The liability imposed by this section is a lien upon the land
3 withdrawn from the classification. When the amount is collected, it
4 shall be paid into the county general fund. If the amount is not paid, it
5 shall be treated in the same manner the delinquent taxes on real
6 property are treated.

7 **(c) The county auditor shall determine the tax owed under**
8 **subsection (a) using the assessment required in section 10(a) of this**
9 **chapter.**

10 SECTION 23. IC 6-1.1-6-26 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. The expense of the
12 ~~survey~~ **surveyor's plat** required by section 9 of this chapter shall be
13 paid by the applicant. The expense of ~~an assessment which is required~~
14 ~~under this chapter a recording~~ shall be paid ~~from the county general~~
15 ~~fund of the county in which the parcel is located.~~ For his services in
16 ~~making an assessment which is required under this chapter, the county~~
17 ~~assessor shall receive his necessary expenses:~~ **by the applicant.**

18 SECTION 24. IC 6-1.1-6.2-2 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. ~~For the purpose of~~
20 ~~property taxation certain~~ **This chapter applies to** parcels of land ~~may~~
21 ~~be classified as a windbreak and assessed as provided in this chapter~~
22 **before July 1, 2003.**

23 SECTION 25. IC 6-1.1-6.2-5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) A person who
25 wishes to have a parcel of land **that is** classified as a windbreak
26 **withdrawn from classification under section 15 of this chapter** must
27 have the land assessed by the county assessor of the county in which
28 the land is located.

29 (b) If the assessment made by the county assessor is not satisfactory
30 to the owner, the owner may appeal the assessment to a board
31 consisting of the assessor, auditor, and treasurer of the county in which
32 the land ~~proposed for classification~~ is located. The decision of the
33 board is final.

34 SECTION 26. IC 6-1.1-6.5-2.5 IS ADDED TO THE INDIANA
35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. (a) A landowner may file an**
37 **application with the department of natural resources under section**
38 **5 of this chapter to have a parcel of land classified as a wildlife**
39 **habitat if:**

- 40 (1) the parcel consists of at least one (1) acre;
41 (2) the parcel is contiguous to a parcel of land owned by the
42 landowner that is already classified as a wildlife habitat;



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(3) the parcel contains a good stand of vegetation that is capable of supporting wildlife species;

(4) the parcel is conducive to wildlife management;

(5) the parcel does not contain a dwelling or other usable building;

(6) no part of the parcel lies within a licensed shooting preserve; and

(7) the landowner enters into an agreement with the department of natural resources establishing standards of wildlife management for the parcel as that concept is understood by competent wildlife biologists.

(b) A parcel of land described in subsection (a) must be surveyed and platted under section 3 of this chapter.

SECTION 27. IC 14-8-2-65 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 65. "Dealer" has the following meaning:

(1) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-2.

~~(2) For purposes of IC 14-16-2, the meaning set forth in IC 14-16-2-2.~~

~~(3)~~ (2) For purposes of IC 14-24, the term means a person who grows or buys nursery stock for the purpose of reselling or reshipping the stock in Indiana.

SECTION 28. IC 14-8-2-87.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 87.7. "Farmland", for purposes of IC 14-22-11-1, has the meaning set forth in IC 14-22-11-1.

SECTION 29. IC 14-8-2-107, AS AMENDED BY P.L.145-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.

(3) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.

(4) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.

(5) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.

(6) For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.



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- 1 (7) For purposes of IC 14-13-1, the meaning set forth in
- 2 IC 14-13-1-2.
- 3 (8) For purposes of IC 14-13-2, the meaning set forth in
- 4 IC 14-13-2-3.
- 5 (9) For purposes of ~~IC 14-19-4~~, **IC 14-16-1**, the meaning set forth
- 6 in ~~IC 14-19-4-1~~. **IC 14-16-1-30.**
- 7 (10) For purposes of ~~IC 14-19-5~~, **IC 14-19-8**, the meaning set
- 8 forth in ~~IC 14-19-5-1~~. **IC 14-19-8-1.**
- 9 (11) For purposes of IC 14-20-1, the meaning set forth in
- 10 IC 14-20-1-3.
- 11 (12) For purposes of IC 14-20-11, the meaning set forth in
- 12 IC 14-20-11-2.
- 13 (13) For purposes of IC 14-22-3, the meaning set forth in
- 14 IC 14-22-3-1.
- 15 (14) For purposes of IC 14-22-4, the meaning set forth in
- 16 IC 14-22-4-1.
- 17 (15) For purposes of IC 14-22-5, the meaning set forth in
- 18 IC 14-22-5-1.
- 19 (16) For purposes of IC 14-22-8, the meaning set forth in
- 20 IC 14-22-8-1.
- 21 (17) For purposes of IC 14-22-34, the meaning set forth in
- 22 IC 14-22-34-2.
- 23 (18) For purposes of IC 14-23-3, the meaning set forth in
- 24 IC 14-23-3-1.
- 25 (19) For purposes of IC 14-23-8, the meaning set forth in
- 26 IC 14-23-8-1.
- 27 (20) For purposes of IC 14-25-2-4, the meaning set forth in
- 28 IC 14-25-2-4.
- 29 (21) For purposes of IC 14-25-10, the meaning set forth in
- 30 IC 14-25-10-1.
- 31 (22) For purposes of IC 14-25-11-19, the meaning set forth in
- 32 IC 14-25-11-19.
- 33 (23) For purposes of IC 14-25-5, the meaning set forth in
- 34 IC 14-25-5-1-3.
- 35 (24) For purposes of IC 14-28-5, the meaning set forth in
- 36 IC 14-28-5-2.
- 37 (25) For purposes of IC 14-31-2, the meaning set forth in
- 38 IC 14-31-2-5.
- 39 (26) For purposes of IC 14-25-12, the meaning set forth in
- 40 IC 14-25-12-1.
- 41 (27) For purposes of IC 14-33-14, the meaning set forth in
- 42 IC 14-33-14-3.

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1 (28) For purposes of IC 14-33-21, the meaning set forth in
2 IC 14-33-21-1.

3 (29) For purposes of IC 14-34-6-15, the meaning set forth in
4 IC 14-34-6-15.

5 (30) For purposes of IC 14-34-14, the meaning set forth in
6 IC 14-34-14-1.

7 (31) For purposes of IC 14-37-10, the meaning set forth in
8 IC 14-37-10-1.

9 SECTION 30. IC 14-8-2-188 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 188. "Operate" has the
11 following meaning:

12 (1) For purposes of IC 14-15, the act of navigating, driving,
13 steering, sailing, rowing, paddling, or otherwise moving or
14 exercising physical control over the movement of a watercraft.

15 (2) For purposes of IC 14-16-1, the meaning set forth in
16 IC 14-16-1-4.

17 ~~(3) For purposes of IC 14-16-2, the meaning set forth in~~
18 ~~IC 14-16-2-3.~~

19 SECTION 31. IC 14-8-2-190 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 190. "Operator" has the
21 following meaning:

22 (1) For purposes of IC 14-16-1, the meaning set forth in
23 IC 14-16-1-5.

24 ~~(2) For purposes of IC 14-16-2, the meaning set forth in~~
25 ~~IC 14-16-2-4.~~

26 ~~(3)~~ (2) For purposes of IC 14-34, except IC 14-34-4-8 and
27 IC 14-34-8-4, a person, partnership, limited liability company, or
28 corporation engaged in coal mining who removes or intends to
29 remove more than two hundred fifty (250) tons of coal from the
30 earth by coal mining within twelve (12) consecutive months in
31 one (1) location.

32 ~~(4)~~ (3) For purposes of IC 14-34-4-8, the meaning set forth in
33 IC 14-34-4-8.

34 ~~(5)~~ (4) For purposes of IC 14-34-8-4, the meaning set forth in
35 IC 14-34-8-4.

36 ~~(6)~~ (5) For purposes of IC 14-36-1, the meaning set forth in
37 IC 14-36-1-9.

38 ~~(7)~~ (6) For purposes of IC 14-37, a person who:

39 (A) is issued a permit under IC 14-37; or

40 (B) is engaging in an activity for which a permit is required
41 under IC 14-37.

42 SECTION 32. IC 14-8-2-195, AS AMENDED BY P.L.148-2002,



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SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 195. "Owner" has the following meaning:

(1) For purposes of IC 14-11-4, the meaning set forth in IC 14-11-4-2.

(2) For purposes of IC 14-15, a person who has the legal title to a watercraft.

(3) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-6.

~~(4) For purposes of IC 14-16-2, the meaning set forth in IC 14-16-2-5.~~

~~(5)~~ (4) For purposes of IC 14-25-4, the meaning set forth in IC 14-25-4-4.

~~(6)~~ (5) For purposes of IC 14-27-7, the meaning set forth in IC 14-27-7-1.

~~(7)~~ (6) For purposes of IC 14-27-7.5, the meaning set forth in IC 14-27-7.5-4.

~~(8)~~ (7) For purposes of IC 14-36, the term includes the following:

(A) Owners in fee.

(B) Life tenants.

(C) Tenants for years.

(D) Holders of remainder of reversionary interests.

(E) Holders of leaseholds or easements.

(F) Holders of mineral rights.

~~(9)~~ (8) For purposes of IC 14-37, a person who has the right to drill into and produce from a pool and to appropriate the oil and gas produced from the pool for:

(A) the person or others; or

(B) the person and others.

~~(10)~~ (9) For the purposes of IC 14-22-10-2, the meaning set forth in IC 14-22-10-2(c).

SECTION 33. IC 14-10-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties of the department under the following:

(1) IC 14-9.

(2) This article.

(3) IC 14-11.

(4) IC 14-12-2.

(5) IC 14-14.

(6) IC 14-17-3.

(7) IC 14-18, except IC 14-18-6 and IC 14-18-8.

(8) IC 14-19-1 ~~IC 14-19-4~~, and ~~IC 14-19-5~~. **IC 14-19-8.**



(9) IC 14-20-1.

(10) IC 14-21.

(11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.

(12) IC 14-23-1.

(13) IC 14-25, except IC 14-25-8-3, IC 14-25-11, and IC 14-25-13.

(14) IC 14-26.

(15) IC 14-27.

(16) IC 14-28.

(17) IC 14-29.

(18) IC 14-35-1, IC 14-35-2, and IC 14-35-3.

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the secretary of state.

SECTION 34. IC 14-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. It is the general intent and purpose of the general assembly in enacting this chapter to promote:

(1) safety for persons and property;

(2) responsible enjoyment in and connected with the use and operation of off-road vehicles **and snowmobiles**; and

(3) understanding consistent with the rights of all the citizens of Indiana.

SECTION 35. IC 14-16-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this chapter, "dealer" means a person engaged in the commercial sale of off-road vehicles **or snowmobiles**.

SECTION 36. IC 14-16-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) As used in this chapter, "off-road vehicle" means a motor driven vehicle capable of cross country travel:

(1) without benefit of a road; ~~or trail~~; and

(2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(b) The term includes the following:

(1) A multi-wheel drive or low pressure tire vehicle.

(2) An amphibious machine.

(3) A ground effect air cushion vehicle.

(4) Other means of transportation deriving motive power from a source other than muscle or wind.

(c) The term does not include the following:

(1) A farm vehicle being used for farming.

(2) A vehicle used for military or law enforcement purposes.



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(3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.

(4) A snowmobile.

(5) A registered aircraft.

(6) Any other vehicle properly registered by the bureau of motor vehicles.

(7) Any watercraft that is registered under Indiana statutes.

(8) A golf cart vehicle.

SECTION 37. IC 14-16-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. As used in this chapter, "operator" means an individual who:

(1) operates; or

(2) is in actual physical control of;

an off-road vehicle **or a snowmobile**.

SECTION 38. IC 14-16-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. As used in this chapter, "owner" means a person, other than a lienholder, who:

(1) has the property in or title to; and

(2) is entitled to the use or possession of;

an off-road vehicle **or a snowmobile**.

SECTION 39. IC 14-16-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. As used in this chapter, "vehicle" refers to an off-road vehicle **or a snowmobile**.

SECTION 40. IC 14-16-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Except as otherwise provided, ~~an off-road vehicle~~ **the following** may not be operated on public property unless registered:

(1) An off-road vehicle.

(2) A snowmobile.

(b) Registration is not required for a vehicle that is exclusively operated in a special event of limited duration that is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.

SECTION 41. IC 14-16-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The owner of each vehicle required to be registered under this chapter must do the following **every three (3) years**:

(1) File an application for registration with the department on forms provided by the department.

(2) Sign the application.

(3) Pay a fee of ~~six thirty~~ **dollars (\$6): (\$30)**.

(b) Upon receipt of an application in approved form, the department

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shall enter the application upon the department's records and issue to the applicant **the following:**

(1) A certificate of registration containing the following:

(1) (A) The number awarded to the vehicle.

(2) (B) The name and address of the owner.

(3) (C) Other information that the department considers necessary.

(2) **Two (2) decals indicating the vehicle's registration number and the year in which the registration will expire that must be attached to the vehicle as provided in section 11.5 of this chapter.**

(c) A certificate of registration must:

(1) be pocket size;

(2) accompany the vehicle; and

(3) be made available for inspection upon demand by a law enforcement officer.

SECTION 42. IC 14-16-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. The revenues obtained under this chapter shall be ~~dedicated to the department for the following purposes:~~

(1) ~~Enforcement.~~

(2) ~~Constructing and maintaining vehicle trails:~~ **deposited into the off-road vehicle and snowmobile fund under IC 14-16-1-30.**

SECTION 43. IC 14-16-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. ~~(a) The owner of a vehicle who has been issued a certificate of registration for the vehicle shall paint on or attach in a permanent manner to each side of the forward half of the vehicle the identification number in block characters of good proportion; not less than three (3) inches in height; reading from left to right. The numbers must contrast with the background so as to be distinctly visible and legible.~~

~~(b) (a) The department may adopt rules for the size and placement of identification numbers registration decals upon vehicles. to which; because of structural design; the identification number cannot be attached as provided in this section.~~

~~(c) (b) Not earlier than ninety (90) days before the expiration date of a certificate, a registration renewal decal or other device may be issued indicating that the certificate of registration is in full force and effect. The department shall adopt rules under IC 4-22-2 prescribing the display of the decal or other device.~~

~~(d) (c) An initial certificate of registration and a renewal of a~~



certificate awarded under this chapter expires three (3) years from the date of purchase of the certificate unless the certificate is canceled.

(e) (d) The department may:

- (1) award a certificate of number directly; or
- (2) authorize a person to act as the department's agent for the awarding.

SECTION 44. IC 14-16-1-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 11.5. (a) The owner of a vehicle shall attach the decals issued under section 9 of this chapter on the forward half of the vehicle. All decals shall be maintained in a legible condition and displayed only for the period for which the registration is valid.**

(b) If a registration decal is lost or destroyed, the owner may apply for a duplicate on forms provided by the department. An application submitted under this subsection must be accompanied by a fee established by the department for each decal. Upon receipt of a proper application and the required fee, the department shall issue a duplicate registration decal to the owner.

SECTION 45. IC 14-16-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) The owner of a vehicle shall notify the department within fifteen (15) days if any of the following conditions exist:

- (1) The vehicle is destroyed or abandoned.
- (2) The vehicle is sold or an interest in the vehicle is transferred wholly or in part to another person.
- (3) The owner's address no longer conforms to the address appearing on the certificate of registration.

(b) The notice must consist of a surrender of the certificate of registration on which the proper information shall be noted on a place to be provided.

(c) If the surrender of the certificate is required because the vehicle is destroyed or abandoned, the department shall cancel the certificate and enter that fact in the records. The number then may be reassigned.

(d) If the surrender is required because of a change of address on the part of the owner, the department shall record the new address. Upon payment of a fee ~~of one dollar (\$1)~~, **established by the department**, a certificate of registration bearing the new information shall be returned to the owner.

(e) The transferee of a vehicle registered under this chapter shall, within fifteen (15) days after acquiring the vehicle, make application to the department for transfer to the transferee of the certificate of

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1 registration issued to the vehicle. The transferee shall provide the
 2 transferee's name and address and the number of the vehicle and pay
 3 to the department a fee ~~of one dollar (\$1): established by the~~
 4 **department**. Upon receipt of the application and fee, the department
 5 shall transfer the certificate of registration issued for the vehicle to the
 6 new owner. Unless the application is made and the fee paid within
 7 fifteen (15) days, the vehicle is considered to be without a certificate
 8 of registration and a person may not operate the vehicle until a
 9 certificate is issued.

10 SECTION 46. IC 14-16-1-15 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. If a certificate of
 12 registration is lost, mutilated, or illegible, the owner of the vehicle may
 13 obtain a duplicate of the certificate upon application and payment of a
 14 fee ~~of one dollar (\$1): established by the department~~.

15 SECTION 47. IC 14-16-1-16 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) A dealer or
 17 manufacturer may obtain certificates of registration for use in the
 18 testing or demonstrating of vehicles upon the following:

19 (1) Application to the department upon forms provided by the
 20 department.

21 (2) Payment of ~~ten dollars (\$10)~~ **a fee established by the**
 22 **department** for each of the first two (2) registration certificates.
 23 Additional certificates that the dealer requires may be issued ~~at a~~
 24 ~~cost of five dollars (\$5) each: for a fee established by the~~
 25 **department**.

26 (b) An applicant may use a certificate issued under this section only
 27 in the testing or demonstrating of vehicles by temporary placement of
 28 the numbers on the vehicle being tested or demonstrated. A certificate
 29 issued under this section may be used on only one (1) vehicle at any
 30 given time. The temporary placement of numbers must conform to the
 31 requirements of this chapter or rules adopted under this chapter.

32 (c) A certificate issued under this section is valid for three (3) years.

33 SECTION 48. IC 14-16-1-22 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. A county, city, or
 35 town may pass an ordinance regulating the operation of vehicles if the
 36 ordinance meets substantially the minimum requirements of this
 37 chapter. However, a county, city, or town may not adopt an ordinance
 38 that does any of the following:

39 (1) Imposes a fee for a license.

40 (2) Specifies accessory equipment to be carried on the vehicles.

41 **(3) Requires a vehicle operator to possess a driver's license**
 42 **issued under IC 9-24-11 while operating an off-road vehicle or**

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1 **snowmobile.**

2 SECTION 49. IC 14-16-1-23 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. An individual shall
4 not operate a vehicle under any of the following conditions:

5 (1) At a rate of speed greater than is reasonable and proper having
6 due regard for existing conditions **or in a manner that**
7 **unnecessarily endangers the person or property of another.**

8 (2) While:

9 (A) under the influence of intoxicating liquor; or

10 (B) unlawfully under the influence of a narcotic or other habit
11 forming or dangerous depressant or stimulant drug.

12 (3) During the hours from thirty (30) minutes after sunset to thirty
13 (30) minutes before sunrise without displaying a lighted headlight
14 and a lighted taillight.

15 (4) In a forest nursery, a planting area, or public land posted or
16 reasonably identified as an area of forest or plant reproduction
17 and when growing stock may be damaged.

18 (5) On the frozen surface of public waters within:

19 (A) one hundred (100) feet of an individual not in or upon a
20 vehicle; or

21 (B) one hundred (100) feet of a fishing shanty or shelter;
22 except at a speed of not more than five (5) miles per hour.

23 (6) Unless the vehicle is equipped with a muffler in good working
24 order and in constant operation to prevent excessive or unusual
25 noise and annoying smoke.

26 (7) Within one hundred (100) feet of a dwelling between midnight
27 and 6:00 a.m., except on the individual's own property or property
28 under the individual's control or as an invited guest.

29 (8) On any property without the consent of the landowner or
30 tenant.

31 (9) While transporting on or in the vehicle a firearm unless the
32 firearm is:

33 (A) unloaded; and

34 (B) securely encased or equipped with and made inoperative
35 by a manufactured keylocked trigger housing mechanism.

36 (10) On or across a cemetery or burial ground.

37 (11) Within one hundred (100) feet of a slide, ski, or skating area,
38 except for the purpose of servicing the area.

39 (12) On a railroad track or railroad right-of-way, except railroad
40 personnel in the performance of duties.

41 (13) In or upon a flowing river, stream, or creek, except for the
42 purpose of crossing by the shortest possible route, unless the

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river, stream, or creek is of sufficient water depth to permit movement by flotation of the vehicle at all times.

(14) An individual shall not operate a vehicle while a bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow.

SECTION 50. IC 14-16-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24. (a) The operator of a vehicle involved in an accident resulting in ~~injuries~~ **serious bodily injury** to or death of an individual or property damage in an estimated amount of at least ~~one seven~~ **fifty** hundred dollars (~~\$100~~) (**\$750**) shall immediately, by the quickest means of communication, notify at least one (1) of the following:

(1) A state police officer or conservation officer.

(2) The sheriff's office of the county where the accident occurred.

(3) The office of the police department of the municipality where the accident occurred.

(b) The police agency receiving the notice shall do the following:

(1) Complete a report of the accident on forms prescribed by the director.

(2) Forward the report to the director.

SECTION 51. IC 14-16-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. (a) All law enforcement officers in Indiana ~~including every enforcement officer of the department~~, shall enforce this chapter.

(b) The attorney general and prosecuting attorneys have concurrent power to approve, file, and prosecute an affidavit charging a violation of this chapter.

SECTION 52. IC 14-16-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. (a) The department shall do the following:

(1) Prescribe the form of accident reports and registration certificates and the form of application for the certificates.

(2) Conduct a campaign of education with respect to safety in the operation of vehicles in connection with the use and enjoyment of the public and private land of Indiana and with respect to Indiana laws relating to vehicles.

(3) Construct and maintain vehicle trails on public and private land consistent with the intent of this chapter.

(b) **Notwithstanding any other law, the department may purchase land for off-road vehicle and snowmobile trails only from a willing seller of the land.**

SECTION 53. IC 14-16-1-29, AS AMENDED BY P.L.158-2002,



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SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 29. (a) **Except as provided in subsection (b), a person who violates section 17, 23(2), or 24 of this chapter commits a Class B misdemeanor.**

(b) ~~A person who violates section 8, 9, 11, 12, 13, 14, 18, 19, 20, 21, 23(1), 23(3), 23(4), 23(5), 23(6), 23(7), 23(8), 23(9), 23(10), 23(11), 23(12), 23(13), 23(14), or 27 of this chapter commits a Class C~~ **infraction.**

(b) **A person who violates section 18, 23(1), 23(2), or 24 of this chapter commits a Class B misdemeanor.**

SECTION 54. IC 14-16-1-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 30. (a) **As used in this section, "fund" refers to the off-road vehicle and snowmobile fund established by subsection (b).**

(b) **The off-road vehicle and snowmobile fund is established. The fund shall be administered by the department.**

(c) **The fund consists of the revenues obtained under this chapter, appropriations, and donations. Money in the fund shall be used for the following purposes:**

(1) **Enforcement and administration of this chapter.**

(2) **Constructing and maintaining off-road vehicle trails.**

(3) **Constructing and maintaining snowmobile trails.**

(d) **The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.**

(e) **Money in the fund at the end of the state fiscal year does not revert to the state general fund.**

SECTION 55. IC 14-19-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 8. State Parks and Reservoirs Special Revenue Fund

Sec. 1. As used in this chapter, "fund" refers to the state parks and reservoirs special revenue fund established by section 2 of this chapter.

Sec. 2. (a) The state parks and reservoirs special revenue fund is established.

(b) **The fund shall be administered by the department.**

Sec. 3. (a) The fund consists of the following:

(1) **All revenues accruing to the department from the operation of the state parks.**

(2) **All revenues accruing to the department from the**



operation of reservoirs.

(3) Other sources as specified by law.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

Sec. 4. The money in the fund may be expended by the director exclusively for the operation of the state parks and reservoirs. The director shall submit, in accordance with IC 4-12-1, a suggested budget for appropriations and expenditures from the fund. The director shall use money appropriated by the general assembly from the fund to the department in accordance with this chapter and the terms of the appropriation.

Sec. 5. Unencumbered parts of appropriations made for a state fiscal year from the fund revert to the fund at the end of that state fiscal year unless otherwise specified by statute. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

SECTION 56. IC 14-22-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A person may not:

(1) fish, hunt, trap, or chase; ~~or~~

(2) shoot with any kind of firearm ~~or~~ archery equipment;

(3) search for or gather any plant life (defined as the members of the kingdoms Fungi and Plantae); ~~or~~

(4) search for or gather any artifacts (as defined in IC 14-21-1-2);

upon privately owned land without having the consent of the owner or tenant of the land.

SECTION 57. IC 14-22-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) As used in this section, "farmland" means agricultural land that is;

(1) devoted or best adaptable for the production of crops, fruits, timber, and the raising of livestock; ~~or~~

(2) assessed as agricultural land for property tax purposes.

(b) An individual may not take or chase, with or without dogs, a wild animal without having a license, except as follows:

(1) An individual who is a resident or nonresident of Indiana while participating in a field trial that has been sanctioned by the director is not required to possess a license while participating in the trial.

(2) Subject to subsection ~~(c)~~; (d), an owner of farmland located in Indiana who is a resident or nonresident of Indiana and the spouse and children living with the owner may hunt, fish, and trap



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without a license on the land that the owner owns.

(3) A lessee of farmland who farms that land and is a resident of Indiana and the spouse and children living with the lessee may hunt, fish, and trap without a license on the leased land. This subdivision does not apply to land that is:

(A) owned, leased, or controlled by; and

(B) leased from;

the department.

(4) An individual who:

(A) is less than thirteen (13) years of age;

(B) does not possess a bow or firearm; and

(C) is accompanying an individual who:

(i) is at least eighteen (18) years of age; and

(ii) holds a valid license;

may chase a wild animal without having a license.

~~(b)~~ (c) The exceptions provided in this section do not apply to a commercial license issued under this article.

~~(c)~~ (d) The right of a nonresident who owns farmland in Indiana (and of the spouse and children who reside with the nonresident) to hunt, fish, and trap on the farmland without a license under subsection ~~(a)(2)~~ (b)(2) is subject to the following conditions:

(1) The nonresident may hunt, fish, and trap on the farmland without a license only if the state in which the nonresident resides allows residents of Indiana who own land in that state to hunt, fish, and trap on their land without a license.

(2) While hunting, fishing, or trapping on the farmland, the nonresident must keep proof that the nonresident owns the farmland (for example, a tax receipt identifying the nonresident as owner) in a place where the proof is readily accessible by the nonresident.

SECTION 58. IC 14-22-39-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A conservation officer may issue a summons for a violation committed within the view of the conservation officer. ~~if the defendant promises to appear by signing the summons~~

(b) A defendant who fails to appear as commanded by the summons ~~(+) is in contempt of court. and~~

~~(2) may be fined not more than twenty dollars (\$20):~~

(c) Upon a failure to appear, the court shall issue a warrant for the arrest of the defendant.

(d) This subsection applies to a warrant issued under subsection (c) for the arrest of a defendant who is an Indiana resident. If the



1 warrant is not executed within thirty (30) days after issue, the
 2 court shall promptly forward the court copy of the summons to the
 3 bureau of motor vehicles indicating that the defendant failed to
 4 appear in court as ordered. The court shall then mark the case as
 5 failure to appear on the court's records.

6 (e) This subsection applies to a warrant issued under subsection
 7 (c) for the arrest of a defendant who is not an Indiana resident. If
 8 the warrant is not executed within thirty (30) days after issue, the
 9 court shall promptly forward the court copy of the summons to the
 10 bureau of motor vehicles. The bureau of motor vehicles shall notify
 11 the bureau of motor vehicles commission of the state of the
 12 nonresident defendant of the defendant's failure to appear and also
 13 of any action taken by the bureau of motor vehicles relative to the
 14 Indiana driving privileges of the defendant. The court shall then
 15 mark the case as failure to appear on the court's records.

16 (f) If the bureau of motor vehicles receives a copy of the
 17 summons or a summons for failure to appear in court, the bureau
 18 of motor vehicles shall suspend the driving privileges of the
 19 defendant until the defendant appears in court and the case has
 20 been disposed of. The order of suspension may be served upon the
 21 defendant by mailing the order by certified mail, return receipt
 22 requested, to the defendant at the last address shown for the
 23 defendant in the records of the bureau of motor vehicles. The order
 24 takes effect on the date the order is mailed.

25 (g) For nonresidents of Indiana, the order of suspension shall be
 26 mailed to the defendant at the address given to the arresting
 27 conservation officer by the defendant as shown by the signed
 28 summons. The order takes effect on the date of mailing. A copy of
 29 the order shall also be sent to the bureau of motor vehicles of the
 30 state of the nonresident defendant. If:

31 (1) the defendant's failure to appear in court has been
 32 certified to the bureau of motor vehicles under this chapter;
 33 and

34 (2) the defendant subsequently appears in court to answer the
 35 charges against the defendant;

36 the court shall proceed to hear and determine the case in the same
 37 manner as other cases pending in the court. Upon final
 38 determination of the case, the court shall notify the bureau of
 39 motor vehicles of the determination upon forms prescribed by the
 40 bureau of motor vehicles. The notification shall be made by the
 41 court within ten (10) days after the final determination of the case,
 42 and the original copy of the summons must accompany the



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1 **notification.**

2 SECTION 59. IC 14-24-10-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The department
4 shall collect the following fees:

5 (1) For each license issued to a dealer, ~~thirty fifty~~ dollars ~~(\$30)~~.
6 **(\$50)**. However, a certified nurseryman who has paid an
7 inspection fee may obtain a dealer's license for ~~ten~~ **twenty** dollars
8 ~~(\$10)~~. **(\$20)**.

9 (2) For the inspection of a nursery, ~~twenty fifty~~ dollars ~~(\$20)~~
10 **(\$50)** plus an additional fee of ~~one dollar and fifty cents (\$1.50)~~
11 **three dollars (\$3)** for each acre of land containing nursery stock.

12 (3) ~~For the sale of a directory of persons licensed by the division~~
13 ~~to a person who is not licensed, three dollars (\$3)~~.

14 (b) The fees collected under this section shall be deposited in the
15 ~~state general entomology and plant pathology fund established by~~
16 **section 3 of this chapter.**

17 SECTION 60. IC 14-24-10-4 IS ADDED TO THE INDIANA
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2003]: **Sec. 4. The department shall publish**
20 **on the Internet a directory of persons who have obtained nursery**
21 **certificates and nursery dealer licenses from the division under**
22 **IC 14-24-5 and IC 14-24-7.**

23 SECTION 61. IC 14-26-2-15 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) This section
25 applies to impoundments of the Tippecanoe River that are formed by
26 a dam or control structure owned and operated by a public utility for
27 the generation of hydroelectric power. **However, this section does not**
28 **restrict the department's ability to regulate the safety or**
29 **maintenance of a dam or other control structure under**
30 **IC 14-27-7.5.**

31 (b) As used in this section, "alterations to the shoreline" does not
32 include the making of canals or inlets.

33 (c) As used in this section, "construction" includes the building of
34 a pier.

35 (d) Notwithstanding any other law, the department may not regulate
36 or interfere with alterations to the shoreline of or construction on the
37 impoundments.

38 SECTION 62. IC 14-26-2-16 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) As used in this
40 section, "water supply reservoir" means a body of water formed by a
41 dam wholly owned and operated by a municipality or a public utility
42 (as defined in IC 8-1-2-1) for the purpose of providing water utility

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service to the public. The term does not include the following:

- (1) Tributary streams that drain into the body of water.
- (2) Wetlands associated with those streams.

(b) Notwithstanding any other law, the department may not regulate the following activities conducted within the one hundred (100) year flood level of a water supply reservoir:

- (1) Sediment removal, dredging for the purpose of providing water supply storage, seawall construction, or the maintenance of water intake structures.
- (2) Restoration or stabilization of the shoreline.

(c) This section does not restrict the department's ability to regulate the safety or maintenance of a dam or other control structure under ~~IC 14-27-7~~. **IC 14-27-7.5.**

SECTION 63. IC 14-27-7.5-9, AS ADDED BY P.L.148-2002, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The owner of a high hazard structure shall:

- (1) have a professional engineer licensed under IC 25-31 make ~~a technical~~ **an engineering** inspection of the high hazard structure ~~and prepare or revise the emergency action plan for the structure~~
- at least one (1) time every two (2) years;
- (2) submit a report of the inspection in a form approved by the department to the department. The report must include at least the following information:
 - (A) An evaluation of the structure's condition, spillway capacity, operational adequacy, and structural integrity.
 - (B) A determination of whether deficiencies exist that could lead to the failure of the structure, and recommendations for maintenance, repairs, and alterations to the structure to eliminate deficiencies, including a recommended schedule for necessary upgrades to the structure.

(b) If after an inspection under subsection (a) the licensed professional engineer ~~or licensed professional geologist~~ who conducted the inspection determines that maintenance, repairs, or alterations to a high hazard structure are necessary to remedy deficiencies in the structure, the owner shall perform the recommended maintenance, repairs, or alterations.

(c) The department shall issue a notice of violation under section 11 of this chapter to the owner of a high hazard structure who fails to:

- (1) have the structure inspected under subsection (a);
- (2) perform recommended maintenance, repairs, or alterations to the structure under subsection (b); or
- (3) biennially submit the inspection report prepared under



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subsection (a).

(d) The department may make ~~a technical~~ **an engineering** inspection of a high hazard structure to ensure compliance with this chapter.

SECTION 64. IC 14-27-7.5-10, AS ADDED BY P.L.148-2002, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) The department shall make ~~a technical~~ **an engineering** inspection of:

(1) a significant hazard structure at least one (1) time every three (3) years; and

(2) a low hazard structure at least one (1) time every five (5) years;

or at more frequent intervals if the exigencies of the case require.

(b) The department shall place in the files of the department a report of each inspection conducted under subsection (a).

SECTION 65. IC 14-27-7.5-14, AS ADDED BY P.L.148-2002, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. The department and the department's agents, engineers, geologists, and other employees may, for purposes of determining the department's jurisdiction and performing the ~~technical~~ **engineering** inspections provided in sections 9 and 10 of this chapter, enter upon any land or water in Indiana without liability for trespass. The owner of a structure shall do the following:

(1) Cooperate with the department and the department's agents, engineers, geologists, and other employees in the conduct of the inspections.

(2) Facilitate access to the structure.

(3) Furnish upon request the plans, specifications, operating and maintenance data, or other information that is pertinent to the structure.

SECTION 66. IC 14-31-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) To obtain a ginseng dealer's license, a person must do the following:

(1) Apply to the department for the license in the manner prescribed by the department.

(2) Pay a license fee of ~~twenty-five~~ **one hundred** dollars (~~\$25~~) **(\$100)** before August 15 of each year.

(b) A ginseng dealer's license expires annually on August 31.

SECTION 67. IC 14-37-4-6, AS AMENDED BY P.L.48-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) A person must submit the following with an application for a permit:

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(1) A bond under IC 14-37-6.

(2) A permit fee of ~~one~~ **two** hundred **fifty** dollars ~~(\$100)~~ **(\$250)** payable to the department. **However, a person may apply for an expedited review of the application for a permit, except for a Class II or noncommercial well, by submitting a permit fee of seven hundred fifty dollars (\$750).**

(b) Permit fees collected under this section must be deposited in the oil and gas fund established by IC 6-8-1-27.

SECTION 68. IC 14-37-4-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 14. To transfer the ownership of a permit for a well for oil or gas purposes, a person must submit the following:**

(1) A transfer fee of fifteen dollars (\$15) payable to the department for each well. However, if an applicant submits more than fifty (50) applications simultaneously, the transfer fee for each application in excess of fifty (50) is ten dollars (\$10).

(2) The name and mailing address of the seller and buyer on a form prescribed by the commission.

SECTION 69. IC 25-36.5-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. The application fee or renewal fee for a registration certificate to operate as a timber buyer, is ~~eighty one hundred five~~ dollars ~~(\$80)~~ **(\$105)**. The fee for a certificate stating that a registration certificate has been issued and security filed is twenty dollars (\$20). All fees collected by the department accrue to the use of the department for its administrative purposes.

SECTION 70. IC 25-36.5-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) An individual who acts as the agent of a timber buyer must have an agent's license and carry the agent's card that verifies the license.

(b) An agent's license may be granted only:

(1) to qualified individuals;

(2) at the written application of the timber buyer who the agent is to represent; and

(3) under that timber buyer's registration certificate.

(c) The application for an agent's license must contain the agent's full name, address, and other information as required by the department on forms supplied by the department. Each timber buyer is responsible for all of the agent's activities performed while acting under the timber buyer's registration certificate as they pertain to this chapter.

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(d) An application fee of ~~five~~ **ten** dollars (~~\$5~~) (**\$10**) for each agent shall be charged for the license and agent's card. However, each timber buyer shall designate a qualified individual to be licensed as its principal agent at no additional charge.

(e) An agent's license may be revoked by the department under IC 4-21.5 if the agent does not comply with this section.

(f) An agent may have a license to represent only one (1) timber buyer; however, upon surrendering the agent's card and license under one (1) timber buyer, an individual may be licensed as an agent of another timber buyer.

(g) A timber buyer may not be licensed as an agent except as the principal agent of that timber buyer.

(h) A timber buyer may not effect or attempt to effect a purchase except through an agent.

(i) A timber buyer may terminate an agency relationship by notifying in writing the agent and the department. Termination of an agency relationship revokes the agent's license.

(j) A person who acts as an agent without a license commits a Class B misdemeanor.

SECTION 71. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 6-1.1-6-8; IC 6-1.1-6.2-4; IC 6-1.1-6.2-6; IC 6-1.1-6.2-7; IC 6-1.1-6.2-8; IC 14-16-2; IC 14-19-4; IC 14-19-5.

SECTION 72. P.L.148-2002, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: (a) As used in this SECTION, "department" refers to the department of natural resources.

(b) Notwithstanding IC 14-27-7.5-8, as added by this act, and IC 14-27-7, as amended by this act, the department may continue to issue permits for dams under ~~IC 14-27-7~~ **IC 14-28-1** until the rules concerning permitting under IC 14-27-7.5 become effective.

(c) Notwithstanding IC 14-27-7.5, as added by this act, a permit for a dam issued under ~~IC 14-27-7~~ **IC 14-28-1** remains valid until the expiration of the permit.

(d) This SECTION expires June 30, 2007.

SECTION 73. [EFFECTIVE JUNE 30, 2003] **(a) On July 1, 2003:**

(1) any money in the state parks special revenue fund under IC 14-19-4 before its repeal by this act; and

(2) any money in the reservoirs special revenue fund under IC 14-19-5 before its repeal by this act;

shall be transferred by the department of natural resources to the state parks and reservoirs special revenue fund established by IC 14-19-8-2, as added by this act.



1 **(b) This SECTION expires July 2, 2003.**

2 SECTION 74. P.L.155-2002, SECTION 13, IS AMENDED TO
3 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
4 13. (a) Notwithstanding IC 14-34-13-1 and IC 14-34-13-2, the
5 following reclamation fee schedule applies with respect to coal mining
6 operations for the period beginning April 1, 2002, and ending June 30,
7 ~~2003~~: **2005**:

8 (1) All operators of surface coal mining operations subject to
9 IC 14-34 shall pay to the department of natural resources for
10 deposit in the natural resources reclamation division fund
11 established by IC 14-34-14-2 a reclamation fee of five and
12 five-tenths cents (\$0.055) per ton of coal produced.

13 (2) All operators of underground coal mining operations subject
14 to IC 14-34 shall pay to the department of natural resources for
15 deposit in the natural resources reclamation division fund
16 established by IC 14-34-14-2 a reclamation fee of three cents
17 (\$0.03) per ton of coal produced.

18 (b) After June 30, ~~2003~~, **2005**, the reclamation fees paid by coal
19 mining operators are the amounts per ton specified in IC 14-34-13-1
20 and IC 14-34-13-2, as amended by this act.

21 (c) This SECTION expires January 1, ~~2004~~: **2006**.

22 SECTION 75. [EFFECTIVE JULY 1, 2003] **(a) A certificate of**
23 **registration purchased under IC 14-16-2, before its repeal by this**
24 **act, before July 1, 2003, is valid for three (3) years from the date of**
25 **purchase. A valid certificate of registration purchased under**
26 **IC 16-14-2, before its repeal by this act, satisfies the requirements**
27 **of IC 14-16-1, as amended by this act.**

28 **(b) This SECTION expires July 1, 2006.**

29 SECTION 76. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1552, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 6.

Page 2, line 4, delete "Land may be classified as wildlands if the" and insert **"Open areas may exist within the confines of a parcel of land identified as a native forest or a forest plantation if the open areas do not exceed the lesser of five (5) acres or ten percent (10%) of the total area to be classified under this chapter and if the open areas contain any of the following:"**.

Page 2, delete lines 5 through 8.

Page 2, line 21, delete "wildlands" and insert **"a non-forest area"**.

Page 2, line 33, after "land" delete ",".

Page 2, line 33, after "land," reset in roman "or".

Page 2, line 33, after "plantation," delete ", or".

Page 2, line 34, delete "wildlands".

Page 2, line 34, reset in roman "ten (10)".

Page 2, line 34, delete "fifteen (15)".

Page 2, line 40, after "land" delete ",".

Page 2, line 40, after "land," reset in roman "or as".

Page 2, line 40, after "plantation" delete ", or".

Page 2, line 41, delete "wildlands".

Page 3, line 5, after "land" delete ",".

Page 3, line 5, after "land," reset in roman "or as".

Page 3, line 5, after "plantation" delete ", or".

Page 3, line 6, delete "wildlands".

Page 3, line 11, delete ",".

Page 3, line 11, reset in roman "or as".

Page 3, line 12, delete ", or wildlands".

Page 4, line 7, delete ",".

Page 4, line 7, reset in roman "or as".

Page 4, line 8, delete ", or wildlands".

Page 4, line 30, delete ",".

Page 4, line 30, reset in roman "or as".

Page 4, line 31, delete ", or wildlands".

Page 4, delete lines 33 through 39.

Page 5, line 3, reset in roman "forest".

Page 5, line 3, after "forest" delete ".".

Page 5, line 7, strike "(a)".

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Page 5, delete lines 19 through 22.

Page 5, line 25, delete ",".

Page 5, line 25, reset in roman "or as".

Page 5, line 26, delete ", or wildlands".

Page 5, line 35, reset in roman "or as".

Page 5, line 36, delete ", or wildlands" and insert ".".

Page 6, line 2, after "land" delete ",".

Page 6, line 2, after "land" reset in roman "or as".

Page 6, line 2, after "plantation" delete ", or".

Page 6, line 3, delete "wildlands".

Page 6, line 14, delete ",".

Page 6, line 14, reset in roman "or as".

Page 6, line 15, delete ", or wildlands".

Page 6, line 32, after "land" delete ",".

Page 6, line 32, reset in roman "or as".

Page 6, line 32, delete ", or wildlands".

Page 6, line 40, after "land" delete ",".

Page 6, line 40, reset in roman "or as".

Page 6, line 40, delete ", or wildlands".

Page 7, delete lines 16 through 20.

Page 7, delete lines 29 through 42.

Page 8, delete lines 1 through 2.

Page 8, delete lines 19 through 42.

Delete page 9.

Page 10, delete lines 1 through 27, begin a new paragraph and insert:

"SECTION 39. IC 14-8-2-65 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 65. "Dealer" has the following meaning:

(1) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-2.

~~(2) For purposes of IC 14-16-2, the meaning set forth in IC 14-16-2-2.~~

~~(3)~~ **(2)** For purposes of IC 14-24, **the term** means a person who grows or buys nursery stock for the purpose of reselling or reshipping the stock in Indiana."

Page 11, line 9, delete "IC 14-16-2" and insert "**IC 14-16-1**".

Page 11, line 10, delete "IC 14-16-2-8" and insert "**IC 14-16-1-30**".

Page 12, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 41. IC 14-8-2-188 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 188. "Operate" has the following meaning:

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(1) For purposes of IC 14-15, the act of navigating, driving, steering, sailing, rowing, paddling, or otherwise moving or exercising physical control over the movement of a watercraft.

(2) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-4.

~~(3) For purposes of IC 14-16-2, the meaning set forth in IC 14-16-2-3.~~

SECTION 42. IC 14-8-2-190 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 190. "Operator" has the following meaning:

(1) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-5.

~~(2) For purposes of IC 14-16-2, the meaning set forth in IC 14-16-2-4.~~

~~(3)~~ (2) For purposes of IC 14-34, except IC 14-34-4-8 and IC 14-34-8-4, a person, partnership, limited liability company, or corporation engaged in coal mining who removes or intends to remove more than two hundred fifty (250) tons of coal from the earth by coal mining within twelve (12) consecutive months in one (1) location.

~~(4)~~ (3) For purposes of IC 14-34-4-8, the meaning set forth in IC 14-34-4-8.

~~(5)~~ (4) For purposes of IC 14-34-8-4, the meaning set forth in IC 14-34-8-4.

~~(6)~~ (5) For purposes of IC 14-36-1, the meaning set forth in IC 14-36-1-9.

~~(7)~~ (6) For purposes of IC 14-37, a person who:

(A) is issued a permit under IC 14-37; or

(B) is engaging in an activity for which a permit is required under IC 14-37.

SECTION 43. IC 14-8-2-195, AS AMENDED BY P.L.148-2002, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 195. "Owner" has the following meaning:

(1) For purposes of IC 14-11-4, the meaning set forth in IC 14-11-4-2.

(2) For purposes of IC 14-15, a person who has the legal title to a watercraft.

(3) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-6.

~~(4) For purposes of IC 14-16-2, the meaning set forth in IC 14-16-2-5.~~

~~(5)~~ (4) For purposes of IC 14-25-4, the meaning set forth in

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IC 14-25-4-4.

~~(6)~~ (5) For purposes of IC 14-27-7, the meaning set forth in IC 14-27-7-1.

~~(7)~~ (6) For purposes of IC 14-27-7.5, the meaning set forth in IC 14-27-7.5-4.

~~(8)~~ (7) For purposes of IC 14-36, the term includes the following:

- (A) Owners in fee.
- (B) Life tenants.
- (C) Tenants for years.
- (D) Holders of remainder of reversionary interests.
- (E) Holders of leaseholds or easements.
- (F) Holders of mineral rights.

~~(9)~~ (8) For purposes of IC 14-37, a person who has the right to drill into and produce from a pool and to appropriate the oil and gas produced from the pool for:

- (A) the person or others; or
- (B) the person and others.

~~(10)~~ (9) For the purposes of IC 14-22-10-2, the meaning set forth in IC 14-22-10-2(c).".

Page 12, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 42. IC 14-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. It is the general intent and purpose of the general assembly in enacting this chapter to promote:

- (1) safety for persons and property;
- (2) responsible enjoyment in and connected with the use and operation of off-road vehicles **and snowmobiles**; and
- (3) understanding consistent with the rights of all the citizens of Indiana.

SECTION 43. IC 14-16-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this chapter, "dealer" means a person engaged in the commercial sale of off-road vehicles **or snowmobiles**.

SECTION 44. IC 14-16-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) As used in this chapter, "off-road vehicle" means a motor driven vehicle capable of cross country travel:

- (1) without benefit of a road; ~~or trail~~; and
 - (2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.
- (b) The term includes the following:
- (1) A multi-wheel drive or low pressure tire vehicle.



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- (2) An amphibious machine.
- (3) A ground effect air cushion vehicle.
- (4) Other means of transportation deriving motive power from a source other than muscle or wind.
- (c) The term does not include the following:
 - (1) A farm vehicle being used for farming.
 - (2) A vehicle used for military or law enforcement purposes.
 - (3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.
 - (4) A snowmobile.
 - (5) A registered aircraft.
 - (6) Any other vehicle properly registered by the bureau of motor vehicles.
 - (7) Any watercraft that is registered under Indiana statutes.
 - (8) A golf cart vehicle.

SECTION 46. IC 14-16-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. As used in this chapter, "operator" means an individual who:

- (1) operates; or
 - (2) is in actual physical control of;
- an off-road vehicle **or a snowmobile.**

SECTION 47. IC 14-16-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. As used in this chapter, "owner" means a person, other than a lienholder, who:

- (1) has the property in or title to; and
 - (2) is entitled to the use or possession of;
- an off-road vehicle **or a snowmobile.**

SECTION 48. IC 14-16-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. As used in this chapter, "vehicle" refers to an off-road vehicle **or a snowmobile.**

SECTION 49. IC 14-16-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Except as otherwise provided, ~~an off-road vehicle~~ **the following** may not be operated on public property unless registered:

- (1) An off-road vehicle.**
- (2) A snowmobile.**

(b) Registration is not required for a vehicle that is exclusively operated in a special event of limited duration that is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction."

Page 13, line 27, delete "IC 14-16-2-8" and insert "**IC 14-16-1-30**".

Page 14, line 20, delete "of one dollar (\$1)" and insert "**established**".



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by the department".

Page 14, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 46. IC 14-16-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) The owner of a vehicle shall notify the department within fifteen (15) days if any of the following conditions exist:

- (1) The vehicle is destroyed or abandoned.
- (2) The vehicle is sold or an interest in the vehicle is transferred wholly or in part to another person.
- (3) The owner's address no longer conforms to the address appearing on the certificate of registration.

(b) The notice must consist of a surrender of the certificate of registration on which the proper information shall be noted on a place to be provided.

(c) If the surrender of the certificate is required because the vehicle is destroyed or abandoned, the department shall cancel the certificate and enter that fact in the records. The number then may be reassigned.

(d) If the surrender is required because of a change of address on the part of the owner, the department shall record the new address. Upon payment of a fee ~~of one dollar (\$1)~~; **established by the department**, a certificate of registration bearing the new information shall be returned to the owner.

(e) The transferee of a vehicle registered under this chapter shall, within fifteen (15) days after acquiring the vehicle, make application to the department for transfer to the transferee of the certificate of registration issued to the vehicle. The transferee shall provide the transferee's name and address and the number of the vehicle and pay to the department a fee ~~of one dollar (\$1)~~; **established by the department**. Upon receipt of the application and fee, the department shall transfer the certificate of registration issued for the vehicle to the new owner. Unless the application is made and the fee paid within fifteen (15) days, the vehicle is considered to be without a certificate of registration and a person may not operate the vehicle until a certificate is issued.

SECTION 47. IC 14-16-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. If a certificate of registration is lost, mutilated, or illegible, the owner of the vehicle may obtain a duplicate of the certificate upon application and payment of a fee ~~of one dollar (\$1)~~; **established by the department**.

SECTION 48. IC 14-16-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) A dealer or manufacturer may obtain certificates of registration for use in the

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testing or demonstrating of vehicles upon the following:

- (1) Application to the department upon forms provided by the department.
- (2) Payment of ~~ten dollars (\$10)~~ **a fee established by the department** for each of the first two (2) registration certificates. Additional certificates that the dealer requires may be issued ~~at a cost of five dollars (\$5) each~~ **for a fee established by the department.**

(b) An applicant may use a certificate issued under this section only in the testing or demonstrating of vehicles by temporary placement of the numbers on the vehicle being tested or demonstrated. A certificate issued under this section may be used on only one (1) vehicle at any given time. The temporary placement of numbers must conform to the requirements of this chapter or rules adopted under this chapter.

(c) A certificate issued under this section is valid for three (3) years.

SECTION 49. IC 14-16-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. A county, city, or town may pass an ordinance regulating the operation of vehicles if the ordinance meets substantially the minimum requirements of this chapter. However, a county, city, or town may not adopt an ordinance that does any of the following:

- (1) Imposes a fee for a license.
- (2) Specifies accessory equipment to be carried on the vehicles.
- (3) Requires a vehicle operator to possess a driver's license issued under IC 9-24-11 while operating an off-road vehicle or snowmobile.**

SECTION 50. IC 14-16-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. An individual shall not operate a vehicle under any of the following conditions:

- (1) At a rate of speed greater than is reasonable and proper having due regard for existing conditions **or in a manner that unnecessarily endangers the person or property of another.**
- (2) While:
 - (A) under the influence of intoxicating liquor; or
 - (B) unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug.
- (3) During the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise without displaying a lighted headlight and a lighted taillight.
- (4) In a forest nursery, a planting area, or public land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.



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- (5) On the frozen surface of public waters within:
 - (A) one hundred (100) feet of an individual not in or upon a vehicle; or
 - (B) one hundred (100) feet of a fishing shanty or shelter; except at a speed of not more than five (5) miles per hour.
- (6) Unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
- (7) Within one hundred (100) feet of a dwelling between midnight and 6:00 a.m., except on the individual's own property or property under the individual's control or as an invited guest.
- (8) On any property without the consent of the landowner or tenant.
- (9) While transporting on or in the vehicle a firearm unless the firearm is:
 - (A) unloaded; and
 - (B) securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.
- (10) On or across a cemetery or burial ground.
- (11) Within one hundred (100) feet of a slide, ski, or skating area, except for the purpose of servicing the area.
- (12) On a railroad track or railroad right-of-way, except railroad personnel in the performance of duties.
- (13) In or upon a flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless the river, stream, or creek is of sufficient water depth to permit movement by flotation of the vehicle at all times.
- (14) An individual shall not operate a vehicle while a bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow."

Page 14, delete lines 38 through 42.

Page 15, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 48. IC 14-16-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. (a) All law enforcement officers in Indiana ~~including every enforcement officer of the department~~, shall enforce this chapter.

(b) The attorney general and prosecuting attorneys have concurrent power to approve, file, and prosecute an affidavit charging a violation of this chapter.

SECTION 49. IC 14-16-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. (a) The department



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shall do the following:

- (1) Prescribe the form of accident reports and registration certificates and the form of application for the certificates.
- (2) Conduct a campaign of education with respect to safety in the operation of vehicles in connection with the use and enjoyment of the public and private land of Indiana and with respect to Indiana laws relating to vehicles.
- (3) Construct and maintain vehicle trails on public and private land consistent with the intent of this chapter.

(b) Notwithstanding any other law, the department may purchase land for off-road vehicle and snowmobile trails only from a willing seller of the land.

SECTION 50. IC 14-16-1-29, AS AMENDED BY P.L.158-2002, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 29. (a) **Except as provided in subsection (b),** a person who violates ~~section 17, 23(2), or 24 of this chapter~~ commits a Class B misdemeanor:

~~(b) A person who violates section 8, 9, 11, 12, 13, 14, 18, 19, 20, 21, 23(1), 23(3), 23(4), 23(5), 23(6), 23(7), 23(8), 23(9), 23(10), 23(11), 23(12), 23(13), 23(14), or 27 of this chapter~~ commits a Class C infraction.

(b) A person who violates section 18, 23(1), 23(2), or 24 of this chapter commits a Class B misdemeanor.

SECTION 51. IC 14-16-1-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 30. (a) **As used in this section, "fund" refers to the off-road vehicle and snowmobile fund established by subsection (b).**

(b) The off-road vehicle and snowmobile fund is established. The fund shall be administered by the department.

(c) The fund consists of the revenues obtained under this chapter, appropriations, and donations. Money in the fund shall be used for the following purposes:

- (1) Enforcement of this chapter.**
- (2) Constructing and maintaining off-road vehicle trails.**
- (3) Constructing and maintaining snowmobile trails.**

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(f) There is annually appropriated to the department from the

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fund the entire amount of money deposited in the fund from the sources referred to in subsection (c) for the department's use for the purposes set forth in subsection (c)."

Page 20, line 20, reset in roman "geologists,".

Page 20, line 26, reset in roman "geologists,".

Page 22, line 23, delete "IC 6-1.1-6.5-3; IC 6-1.1-6.5-5;".

Page 22, delete lines 24 through 25.

Page 22, line 26, delete "IC 6-1.1-6.5-24; IC 6-1.1-6.5-25;" and insert "IC 14-16-2;".

Page 23, after line 5, begin a new paragraph and insert:

"SECTION 67. P.L.155-2002, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 13. (a) Notwithstanding IC 14-34-13-1 and IC 14-34-13-2, the following reclamation fee schedule applies with respect to coal mining operations for the period beginning April 1, 2002, and ending June 30, ~~2003~~: **2005**:

(1) All operators of surface coal mining operations subject to IC 14-34 shall pay to the department of natural resources for deposit in the natural resources reclamation division fund established by IC 14-34-14-2 a reclamation fee of five and five-tenths cents (\$0.055) per ton of coal produced.

(2) All operators of underground coal mining operations subject to IC 14-34 shall pay to the department of natural resources for deposit in the natural resources reclamation division fund established by IC 14-34-14-2 a reclamation fee of three cents (\$0.03) per ton of coal produced.

(b) After June 30, ~~2003~~, **2005**, the reclamation fees paid by coal mining operators are the amounts per ton specified in IC 14-34-13-1 and IC 14-34-13-2, as amended by this act.

(c) This SECTION expires January 1, ~~2004~~: **2006**.

SECTION 68. [EFFECTIVE JULY 1, 2003] (a) **A certificate of registration purchased under IC 14-16-2, before its repeal by this act, before July 1, 2003, is valid for three (3) years from the date of purchase. A valid certificate of registration purchased under IC 16-14-2, before its repeal by this act, satisfies the requirements of IC 14-16-1, as amended by this act.**

(b) **This SECTION expires July 1, 2006.**

SECTION 69. **An emergency is declared for this act."**

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1552 as introduced.)

BISCHOFF, Chair

Committee Vote: yeas 12, nays 1.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1552, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 21, line 2, delete "." and insert **"and providing the conservation officer with the defendant's home address."**

Page 21, line 6, delete "do the following:".

Page 21, line 7, delete "(1) Issue" and insert "issue".

Page 21, run in lines 6 through 7.

Page 21, delete lines 8 through 22, begin a new paragraph and insert:

"(d) This subsection applies to a warrant issued under subsection (c) for the arrest of a defendant who is an Indiana resident. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the summons to the bureau of motor vehicles indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(e) This subsection applies to a warrant issued under subsection (c) for the arrest of a defendant who is not an Indiana resident. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the summons to the bureau of motor vehicles. The bureau of motor vehicles shall notify the bureau of motor vehicles commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau of motor vehicles relative to the Indiana driving privileges of the defendant. The court shall then mark the case as failure to appear on the court's records.

(f) If the bureau of motor vehicles receives a copy of the summons or a summons for failure to appear in court, the bureau of motor vehicles shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau of motor vehicles. The order takes effect on the date the order is mailed.

(g) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting conservation officer by the defendant as shown by the signed summons. The order takes effect on the date of mailing. A copy of

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the order shall also be sent to the bureau of motor vehicles of the state of the nonresident defendant. If:

- (1) the defendant's failure to appear in court has been certified to the bureau of motor vehicles under this chapter; and
- (2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of motor vehicles of the determination upon forms prescribed by the bureau of motor vehicles. The notification shall be made by the court within ten (10) days after the final determination of the case, and the original copy of the summons must accompany the notification."

and when so amended that said bill do pass.

(Reference is to HB 1552 as printed January 31, 2003.)

CRAWFORD, Chair

Committee Vote: yeas 23, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1552 be amended to read as follows:

Page 2, between lines 30 and 31, begin a new paragraph and insert:
"SECTION 5. IC 6-1.1-6-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.5 (a) A landowner may file an application with the state forester under section 11 of this chapter to have classified as native forest land or a forest plantation a parcel of land that:

- (1) consists of at least one (1) acre;**
- (2) meets the requirements of section 3 of this chapter;**
- and**
- (3) is contiguous to a parcel of land owned by the landowner that is already classified as native forest land or a forest plantation.**
- (b) A parcel of land described in subsection (a) must be:**
 - (1) surveyed and platted under section 9 of this chapter;**
 - and**
 - (2) assessed under section 10 of this chapter."**

Page 7, between lines 18 and 19, begin a new paragraph and insert:
"SECTION 26. IC 6-1.1-6.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.5. (a) A landowner may file an application with the department of natural resources under section 5 of this chapter to have a parcel of land classified as a wildlife habitat if:

- (1) the parcel consists of at least one (1) acre;**
- (2) the parcel is contiguous to a parcel of land owned by the landowner that is already classified as a wildlife habitat;**
- (3) the parcel contains a good stand of vegetation that is capable of supporting wildlife species;**
- (4) the parcel is conducive to wildlife management;**
- (5) the parcel does not contain a dwelling or other usable building;**
- (6) no part of the parcel lies within a licensed shooting preserve; and**
- (7) the landowner enters into an agreement with the department of natural resources establishing standards of wildlife management for the parcel as that concept is understood by competent wildlife biologists.**
- (b) A parcel of land described in subsection (a) must be**



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surveyed and platted under section 3 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1552 as printed February 20, 2003.)

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COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred House Bill No. 1552, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 33, after "Sec. 5.5" insert ".".

Page 19, line 22, after "Enforcement" insert "**and administration**".

Page 21, line 39, delete "officer" and insert "officer".

Page 21, line 39, strike "if the defendant promises to appear by".

Page 21, line 40, strike "signing the summons".

Page 21, line 40, delete "and providing the conservation officer with".

Page 21, delete line 41.

Page 21, line 42, delete ":".

Page 22, line 1, strike "(1)".

Page 22, line 1, delete ";" and insert ".".

Page 22, line 1, strike "and".

Run in page 21, line 42 through page 22, line 1.

Page 22, strike line 2.

Page 22, line 27, delete "first class mail" and insert "**certified mail, return receipt requested,**".

and when so amended that said bill do pass recommitted to the Committee on Senate Finance.

(Reference is to HB 1552 as reprinted February 25, 2003.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 8, Nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred House Bill No. 1552, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 19, delete lines 30 through 33.

and when so amended that said bill do pass.

(Reference is to EHB 1552 as printed March 19, 2003.)

BORST, Chairperson

Committee Vote: Yeas 9, Nays 2.

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